

# PUBLIC NOTICE



US ARMY CORPS  
OF ENGINEERS  
  
OMAHA DISTRICT

APPLICANT: SAVANNAH DEVELOPMENT  
APPLICATION NO: NWO 2007-1471  
WATERWAY: LINEAR WETLANDS/TRIBUTARIES  
ISSUE DATE: OCTOBER 11, 2012  
EXPIRATION DATE: NOVEMBER 1, 2012

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Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501  
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/SouthDakota.aspx>

**21-DAY NOTICE**

## JOINT NOTICE OF PERMIT PENDING

US ARMY CORPS OF ENGINEERS  
AND  
SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The application of Steve Van Buskirk (Savannah Development), Sioux Falls, South Dakota, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Commander, US Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to perform fill placement/site grading activities in jurisdictional waters of the United States (linear wetlands/tributaries) in connection with the construction of city streets and drainage improvements in a residential development (Copper Creek Addition to the City of Sioux Falls) located in Section 30, Township 101 North, Range 48 West, Minnehaha County, South Dakota.

The proposed project will consist of site grading to proposed contours and elevations to establish a city street crossing and residential lot drainage improvements in a current subdivided building site. The preferred project alternative would adversely impact 0.919 wetland acres.

The applicant's Wetland Mitigation Plan provides for offsite mitigation (obtaining mitigation credits from the Tetonka Wetland Mitigation Bank) to compensate for the wetland loss. The mitigation proposal utilizes scientific modeling (Hydrogeomorphic Wetland Assessment - HGM) to determine the amount of compensatory mitigation required to offset the loss of the impacted wetland functions (measured in Functional Capacity Units - FCUs) and provide for the replacement of wetlands at higher functioning levels from the wetland bank.

The purpose of the project is to construct a major street crossing that will provide north/south access through the development connecting Silverthorne Avenue with E 33<sup>rd</sup> and 26<sup>th</sup> Streets. This street pattern will complete an inner loop that will provide residents and vehicles two ways in and out of the development. Two other fill areas are needed to provide positive drainage for residential lots.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Services, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:51:01).

Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and "its current supplements," and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. Omaha District will evaluate the most current cultural resources records and survey information available and coordinate the District's "historic properties effect determination" with the State Historic Preservation Officer (SHPO). We will also evaluate any input provided by the SHPO and the public in response to this public notice.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the project on public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230). The preferred project design (alternative) described in this public notice is identified by the applicant as the least environmentally damaging practicable alternative available that avoids and minimizes adverse impacts to waters of the United States. The applicant's alternatives analysis is based primarily on adjoining current and future proposed urban land use and current municipal design standards. The Corps will evaluate the applicant's analysis and may require additional information to determine compliance with the Section 404(b)(1) Guidelines.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To

make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

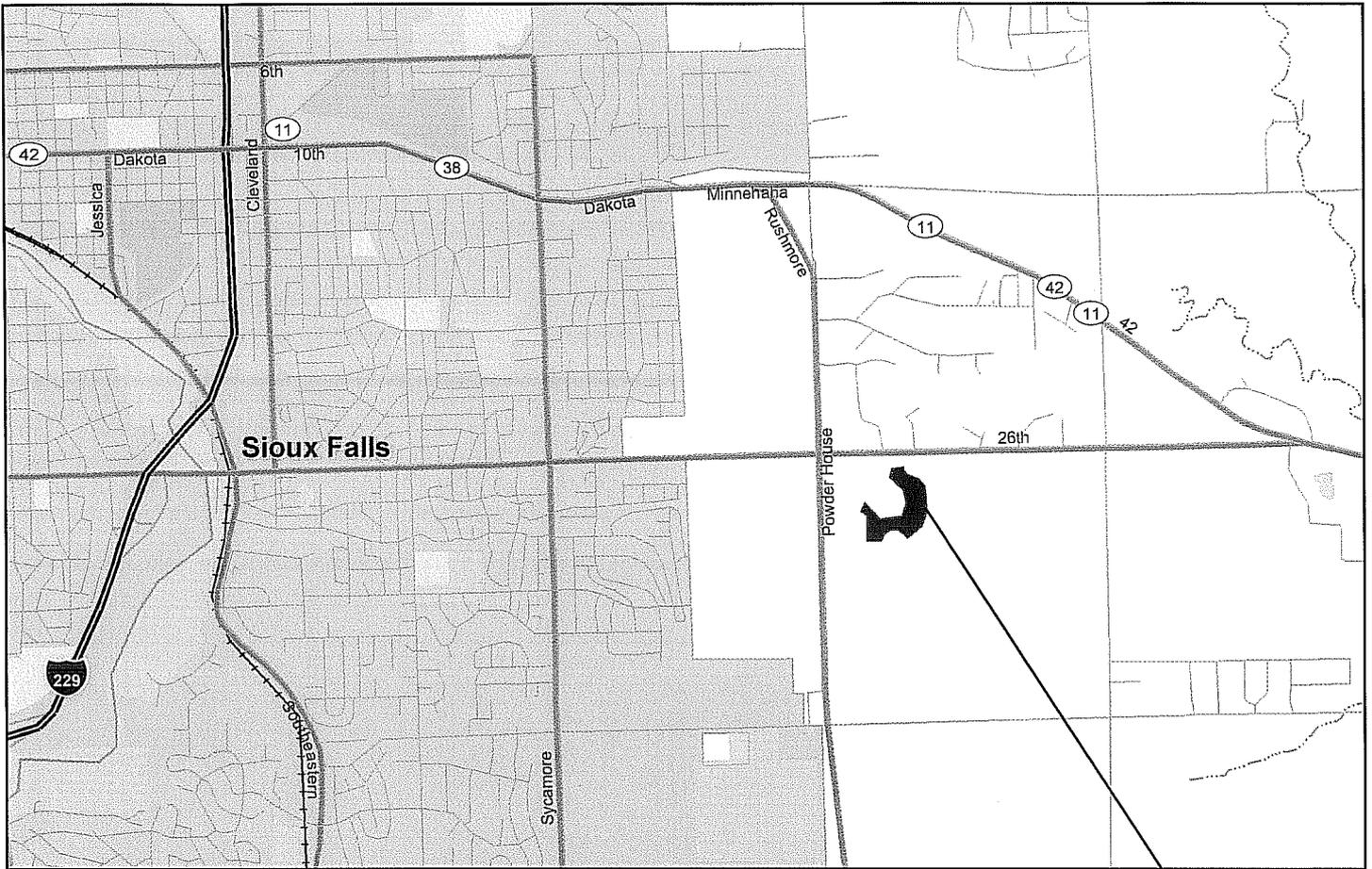
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before November 1, 2012. Any agency or individual having an objection to the proposed work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application. All replies to the public notice should be addressed to the address listed in the previous paragraph. Thomas A Lowin, telephone number (605) 224-8531, may be contacted for additional information.

Comments received after the close of the business day on the expiration date of this public notice will not be considered.

This project, if authorized, will be under the provisions of Section 404 of the Clean Water Act.

Drawings showing the location and extent of the work are attached to this notice.



Site

Copper Creek

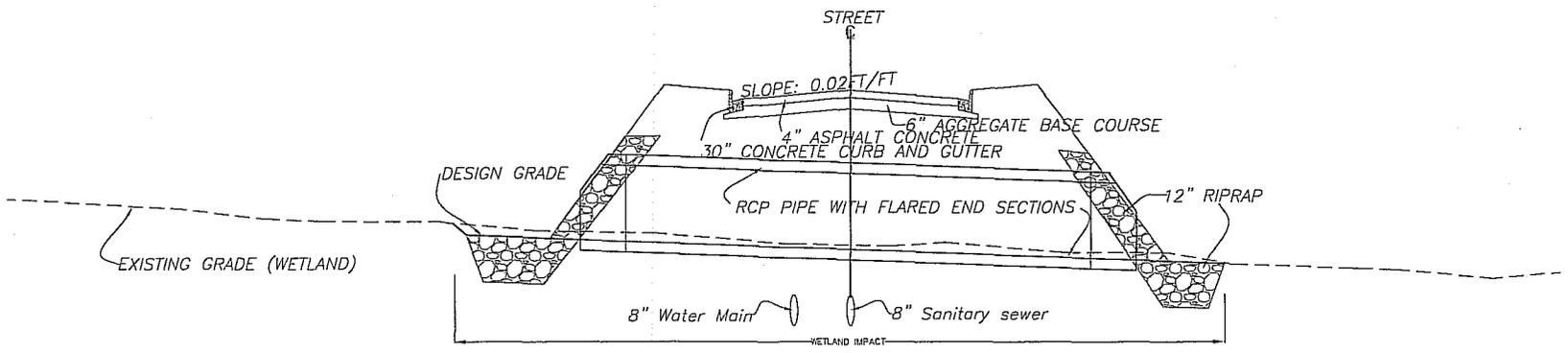




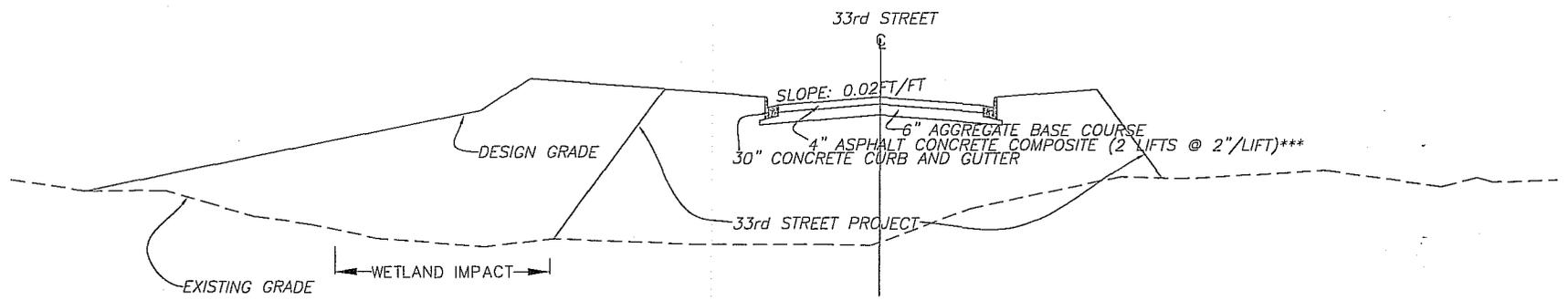
	
DATE: 05/08/12	REV: -
REV: -	REV: -
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DESIGNED BY: PLK	CHECKED BY: PLK
DRAWN BY: TRP	

COPPER CREEK ADDITION  
WETLAND IMPACTS

Brosz Engineering, Inc.  
 3500 S. Phillips Ave., Ste. 201  
 P.O. Box 89818  
 Sioux Falls, SD 57109



SECTION I-11



SECTION I-12